

File  
DOE/039/005

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,  
CHARTERED

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October 12, 1983

J.L. EBERLE (1890-1964)  
T.H. EBERLE (1922-1977)

RECEIVED  
OCT 14 1983

DIVISION OF  
OIL, GAS & MINING

JIM  
OCT 18 1983

Mr. James W. Smith, Jr.  
Coordinator of Mined Land Development  
State of Utah Natural Resources  
4241 State Office Building  
Salt Lake City, UT 84114

Re: U.S. Ferto Corporation  
Clawson 1-2-3 Mine  
DOE/039/005  
San Pete County, Utah

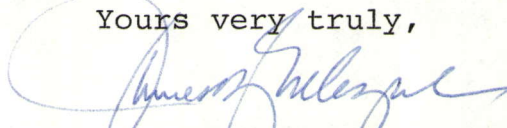
Dear Mr. Smith:

This will acknowledge and thank you for your  
September 26, 1983 letter.

In my letter of July 20, 1983, I specifically  
requested to be notified of any hearings or conferences  
scheduled or to be scheduled in the future with respect to  
U.S. Ferto's operations and application for permit from the  
Division of Oil, Gas and Mining. I received no notification  
of your on-site inspection on September 16, 1983. I would  
appreciate it if you would immediately forward to me copies  
of your notes and findings as a result of that inspection.

The Utah Mined Land Reclamation Act of 1975 (Title  
40, Chapter 8, UCA 1953) Section 40-8-4(6), would not, to  
me, appear to provide any exemption. In order to be exempt,  
the mining operation must be such that less than 500 tons of  
material are mined in a period of 12 consecutive months,  
etc. I am sure that you have made findings which support  
your determination that the exemption does apply. I would  
very much appreciate receiving that information and the  
supporting documentation provided by U.S. Ferto to show that  
the mining operation does not mine more than 500 tons of  
material per 12 month period. May I hear from you at your  
earliest convenience.

Yours very truly,



James R. Gillespie

JRG:sh